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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,995	10/17/2001	Seiji Mochizuki	Q66786	4504

7590 08/29/2002
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
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EXAMINER

TRAN, LY T

ART UNIT PAPER NUMBER

2853

DATE MAILED: 08/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/977,995	MOCHIZUKI ET AL.	
	Examiner	Art Unit	
	Ly T TRAN	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 3-7 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 8-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Childers et al. (EP 854 045) in view of Siwinski et al. (US 2002/0015066)

With respect to claims 1, 10 and 17, Childers et al. discloses an ink bag comprising:

- A flexible bag body, which is deformable in accordance with consumption of the ink and detachably provided in the recording apparatus (Fig.3: element 14, Column 3: line 42-45, Column 2: line 53-54)
- An ink supply port (Fig.3)

With respect to claims 11 and 20, Childers et al discloses that ink bag is provided on an outer surface of the bag body which directs downward (Fig.3)

With respect to claim 9, Childers et al. discloses the memory is places in the vicinity of the ink supply port (Fig.3)

With respect to claim 13, Childers et al. discloses a cartridge casing, which houses the ink bag (Fig.3: element 16) and a chamber section, which house the cartridge casing (Fig.3: element 40).

With respect to claim 14, Childers et al. discloses the cartridge casing is formed with an aperture through which the data communication between the memory and the data communicator is conducted (Fig.3: element 70)

With respect to claim 15, Childers et al. discloses that the cartridge casing is formed with an outlet to which the ink supply port of the ink bag is secured (Fig.3: element 66).

With respect to claim 18, Childers et al. discloses the memory (20) is placed on an outer peripheral portion of the bag body (Fig.3).

With respect to claims 8, 12 and 16, Childers et al. discloses the memory stores data indicating an amount of ink remained (Column 4: line 45-49).

However, Childers et al. fails to teach a non-contact memory is provided on the bag body.

Siwinski et al teaches a non-contact memory is provided on the bag-body (Fig.2: element 54a-54d). *long lake*

It would have been obvious to one having ordinary skill in the art at the time the invention was made with a non-contact memory is provided on the bag body as taught by Siwinski et al. The motivation of doing do is prevent a potential source for problem such as to break, collect dirt, corrode or become misaligned (Siwinski et al. US 2002/0015066; Column 1: [0005]: line 14-19) and usage information is retained when a

consumable item be moved from one ink jet to another (Siwinski et al. US 2002/0015066; Column 3: [1122]: line 1-8)

2. Claims 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Childers et al. (EP 854 045) in view of Siwinski et al (US 2002/0015066) as applied to claims 1 and 17 above, and further in view of Yamaguchi et al. (USPN 5,950,403).

The combination of Childers et al. and Siwinski et al fails to teach the bag body includes a first part having a first flexibility and a second part having a second flexibility, which is lower than the first flexibility and the outer peripheral portion of the bag body is formed by heat-welding outer peripheral portion of flexible sheet members.

Yamaguchi et al. teach the bag body includes a first part having a first flexibility and a second part having a second flexibility, which is lower than the first flexibility (Fig1: element 1, 6, Column 3: line 11-30) the outer peripheral portion of the bag body is formed by heat-welding outer peripheral portion of flexible sheet members (Column 3: line 21-24)

It would have been obvious to one having ordinary skill in the art at the time the invention was made with having first flexibility part and a second flexibility part, which is lower than the first flexibility part when welding the ink bag. The motivation of doing do is to seal the ink bag.

Allowable Subject Matter

3. Claims 3-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3-5 appear to be allowable over prior art of record because at least the prior art have not been found to anticipate or teach or suggest the memory IC is provided in the second part of the bag body.

Claims 6-7 appear to be allowable over prior art of record because at least the prior art have not been found to anticipate or teach or suggest the memory IC is provided in the first part of the bag body.

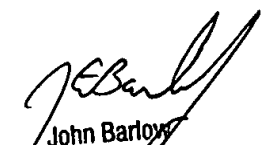
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 703-308-0752. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0967.

lt
Aug. 26, 2002


John Barlow
Supervisory Patent Examiner
Technology Center 2800